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Judge throws out plea agreement for mother accused in death of 8-month-old

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LOUISVILLE, KY (WAVE) - The prosecution and defense are scrambling to pick up the pieces after a judge throws out a plea agreement and issues a much different sentence.

It means major changes in the case of a mother accused of killing her 8-month-old in early 2010.

It's something rarely seen because once the prosecution and the defense come to an agreement, the judge typically rules in favor of the plea agreement. That wasn't the case Thursday in Judge Olu Stevens' courtroom.

Police say last year Geneva Walters gave her son, Michael Cowherd, adult-strength Tylenol then left him in a bathtub while grabbing some formula.

He would die a short time later.

She plead guilty to reckless manslaughter. It carries up to 5 years in jail, but both sides agreed on a deal, calling for 5 years probation and 60 days behind bars.

"She wants to express her sincere apology to the family. She knows that she can't undo what happened but she thinks about her child everyday," said Joe Mills, attorney for Walters.

Thursday's sentencing was largely expected to be an open-and-shut case; instead, it's now wide open for a jury trial.

"Ms. Walters was responsible for this young life and this young life was an infant life. A helpless life. But she had responsibility for it and as a result of her actions or omissions, we're without this young child," Judge Stevens said during the court proceeding.

Judge Stevens threw out the agreement in a rare move and issued the maximum sentence: five years in jail.

"I think he made a strong statement regarding the responsibility of parents and it is our responsibility as parents to protect our children so I was very pleased that he made that a statement that we have to make that a top priority," said Michael Cowherd, grandfather of the infant.

After a brief recess to digest the shock, both sides came back, withdrew the guilty plea, starting over with a trial.

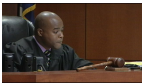
"I'm going to have to think about that because I'm going to have to change my train of thought right now," said Latosha Cowherd, grandmother of the victim.

Now the work begins for a trial. That could result in up to 15 years behind bars for Walters as she'll instead be tried on stiffer wanton endangerment and manslaughter charges.

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Michael Xavier Cowherd (source: Latosha Cowherd)



Judge Olu Stevens



Geneva Walters and her attorney Joe Mills



Geneva Walters

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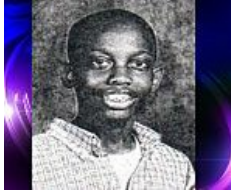


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